

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

<b>IN RE: YASMIN AND YAZ (DROSPIRENONE)</b> <b>MARKETING, SALES PRACTICES AND PRODUCTS</b> <b>LIABILITY LITIGATION</b>	) ) ) ) )	<b>3:09-md-02100-DRH-PMF</b>  <b>MDL No. 2100</b>
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**This Document Relates to:**

<b>Maranda Hurt, et al. v. Bayer HealthCare Pharmaceuticals, Inc., et al.<sup>1</sup></b>	<b>No. 3:11-cv-11447-DRH-PMF</b>
<b>Terren Iversen, et al. v. Bayer HealthCare Pharmaceuticals, Inc., et al.<sup>2</sup></b>	<b>No. 3:11-cv-10931-DRH-PMF</b>
<b>Darcy-Lynne Leite v. Bayer HealthCare Pharmaceuticals, Inc., et al.</b>	<b>No. 3:11-cv-10786-DRH-PMF</b>
<b>Maria Monica v. Bayer Corp., et al.</b>	<b>No. 3:11-cv-12347-DRH-PMF</b>
<b>Amanda Santana v. Bayer HealthCare Pharmaceuticals, Inc., et al.</b>	<b>No. 3:11-cv-12997-DRH-PMF</b>
<b>Catherine Sofia v. Bayer Corp., et al.</b>	<b>No. 3:11-cv-12900-DRH-PMF</b>

**BAYER DEFENDANTS' MOTION TO DISMISS WITHOUT PREJUDICE**

This matter is before the Court on the Bayer defendants motion for an Order dismissing the above captioned plaintiffs' claims without prejudice for failure to file an appearance as required by this Court's Order and Local Rule 83.1(g)(2). The Bayer defendants filed this motion on March 28, 2012. To date, none of the plaintiffs has filed a responsive pleading.

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<sup>1</sup> This order relates to plaintiff Maranda Hurt only.

<sup>2</sup> This order relates to plaintiff Sandra Scott-Hood only.

On March 1, 2012, the Court granted motions to withdraw filed by plaintiffs' counsel in the *Iversen*, *Leite*, *Monica*, *Santana*, and *Sofia* matters. (*Iversen* Doc. 10; *Leite* D.E. 10; *Monica* Doc. 8; *Santana* Doc. 10; *Sofia* Doc. 7). On March 5, 2012, the Court granted a motion to withdraw filed by Plaintiff's counsel in the *Hurt* matter. (*Hurt* Doc. 10.) The Orders provided that, "[i]f plaintiff(s) or her new counsel fails to file a supplementary entry of appearance within 21 days of the entry of this Order, plaintiff's action will be subject to dismissal without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute or to comply with the Orders of this Court including failure to comply with the Plaintiff Fact Sheet requirements." To date, and in violation of the Order and Local Rule 83.1(g), plaintiffs have not filed a supplementary appearance.

Plaintiffs must comply with the Local Rules and this Court's orders. Fed. R. Civ. P. 41(b). In addition, plaintiffs' delay has prejudiced Bayer. Plaintiffs' completed Plaintiff Fact Sheets ("PFS") were due on or before January 23, 2012.<sup>3</sup>

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<sup>3</sup> Bayer answered the *Hurt* complaint on December 2, 2011 (*Hurt* Doc. 6), the *Iversen* complaint on November 9, 2011 (*Iversen* Doc. 6), the *Leite* complaint on November 23, 2011 (*Leite* D.E. 6), the *Monica* complaint on December 9, 2011 (*Monica* Doc. 5), the *Santana* complaint on November 17, 2011 (*Santana* Doc. 6), and the *Sofia* complaint on December 8, 2011 (*Sofia* Doc. 4).

To date, and in violation of CMO 12, plaintiffs have not served a fact sheet. Plaintiffs' substantially complete fact sheets are now more than five months overdue. Accordingly, for the reasons stated herein, plaintiffs' actions are hereby dismissed without prejudice.

**IT IS SO ORDERED.**

 David R. Herndon  
2012.05.31  
14:42:32 -05'00'

**Chief Judge  
United States District Court**

**Date: May 31, 2012**